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Cabinet Statement

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CABINET STATEMENT ON THE NATIONAL MECHANISM FOR DEALING WITH POST ELECTION VIOLENCE

Members of the Media,

Cabinet today discussed extensively and exhaustively the various options available to it in dealing with the crimes committed during post-election violence. The options were as follows:

- i.) The Special Tribunal,
- ii.) Referral to the International Criminal Court (ICC) under Article 14 of the Rome Statute,
- iii.) Withdrawal from the Rome Statute under Article 127 and repeal of the International Crimes Act, 2008
- iv.) Using the High Court under Section 8 of the International Crimes Act, 2008,
- v.) Establishment of a Special High Court Division,

Cabinet discussed each of these options extensively in terms of merits and demerits with regard to the legal and institutional considerations.

The Cabinet took all the circumstances into account, including providing the enabling environment for the ongoing reform agenda that encompasses the delivery of a new constitution by next year, electoral reforms, boundary reforms, and land reforms.

Cabinet was concerned that while it will not stand for impunity in the pursuit of justice, the country should equally pursue national healing and reconciliation. This does not in any way reduce its desire to punish impunity.

Therefore Cabinet resolved as follows:

- i) It reaffirmed its commitment to rule of law, and in particular in its commitment to the international Criminal Court and will cooperate and fulfill its obligations to the Court under the Rome Statute;
- ii) It will undertake accelerated and far-reaching reforms in the judiciary, police, and investigative arms of Government to enable them investigate, prosecute and try perpetrators of post-election violence locally;

- iii) It will deal with other forms of impunity including extra-judicial killings, corruption, and fraudulent or unlawful acquisition of public land and other public assets; and
- iv) It will propose amendments to the Truth Justice and Reconciliation Act that will make the TJRC more representative and effective.

Cabinet is confident that with proper healing and reconciliation, Kenya will not face the events of last year's post-election violence. Cabinet remains fully committed to implementing the rest of the Agenda Four items where significant progress is currently being made.

Thank you and God bless you all.